

CALIFORNIA COASTAL COMMISSION

SAN DIEGO AREA
7575 METROPOLITAN DRIVE, SUITE 103
SAN DIEGO, CA 92108-4421
(619) 767-2370



Tue 11e

Staff: D. Lilly-SD
Staff Report: October 25, 2006
Hearing Date: November 14-17, 2006

STAFF REPORT AND RECOMMENDATION ON APPEAL

LOCAL GOVERNMENT: City of Coronado

DECISION: Approval with Conditions

APPEAL NO.: A-6-COR-06-86

APPLICANT: City of Coronado, LLP

PROJECT DESCRIPTION: Imposition of a curfew at Bay View Park from 9:00 p.m. to 6:00 a.m. daily.

PROJECT LOCATION: Bay View Park, at the intersection of First Street and I Avenue, Coronado (San Diego County).

APPELLANTS: Coastal Commissioners Patrick Kruer and Sara Wan

STAFF NOTES:

At its September 13, 2006 hearing, the Commission found Substantial Issue exists with respect to the grounds on which the appeal was filed. This report represents the de novo staff recommendation.

Summary of Staff's Preliminary Recommendation:

Staff recommends the Commission **approve** the de novo permit, but with a special condition requiring that the City revise the curfew hours to between 11:00 p.m. and 5 a.m. Although the Commission has only permitted restrictions on the public's ability to use coastal parks and beaches in rare instances, the City has provided evidence that crime can be a problem in the vicinity of the park during the late night and early morning hours. The subject park is in a residential neighborhood immediately adjacent to single-family residences that can be adversely impacted by noise and activity in the park. However, the park is the only public access point or recreational amenity in the area, and is often used during early nighttime hours for viewing of fireworks and the downtown lighted skyline across San Diego Bay. The curfew as approved by the City would prevent people from using the public park during the early nighttime hours and, thus, would severely diminish the quality and functionality of the facility, and would interfere with the public's right of access to the shoreline.

As conditioned to limit the hours of operation, the curfew would ensure that recreational opportunities continue to be provided for the public consistent with public safety needs.

Standard of Review: Certified City of Coronado LCP and the public access policies of the Coastal Act.

Substantive File Documents: Appeal Applications by Commissioners Kruer and Wan dated 8/7/06; Coronado Resolution #1-06; Certified City of Coronado Local Coastal Program (LCP).

I. PRELIMINARY STAFF RECOMMENDATION:

The staff recommends the Commission adopt the following resolution:

MOTION: *I move that the Commission approve Coastal Development Permit No. A-6-COR-06-86 pursuant to the staff recommendation.*

STAFF RECOMMENDATION OF APPROVAL:

Staff recommends a **YES** vote. Passage of this motion will result in approval of the permit as conditioned and adoption of the following resolution and findings. The motion passes only by affirmative vote of a majority of the Commissioners present.

RESOLUTION TO APPROVE THE PERMIT:

The Commission hereby approves a coastal development permit for the proposed development and adopts the findings set forth below on grounds that the development as conditioned will be in conformity with the policies of the certified LCP and the public access policies of Chapter 3 of the Coastal Act. Approval of the permit complies with the California Environmental Quality Act because either 1) feasible mitigation measures and/or alternatives have been incorporated to substantially lessen any significant adverse effects of the development on the environment, or 2) there are no further feasible mitigation measures or alternatives that would substantially lessen any significant adverse impacts of the development on the environment.

II. Standard Conditions.

See attached page.

III. Special Conditions.

The permit is subject to the following conditions:

1. Revised Curfew. **PRIOR TO THE ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicants shall submit to the Executive Director for review and written approval, evidence that a revised ordinance has been approved establishing that any curfew at Bay View Park shall be no more expansive than 11:00 pm to 5:00 a.m.

The permittee shall undertake development in accordance with the approved hours of operation. Any proposed changes to the curfew's hours of operation shall be reported to the Executive Director. No changes to the approved hours of operation shall occur without an amendment to this coastal development permit unless the Executive Director determines that no amendment is legally required.

IV. Findings and Declarations.

The Commission finds and declares as follows:

1. Project Description. The proposed project is imposition of a curfew at Bay View Park from 9:00 p.m. to 6:00 a.m. daily. The City of Coronado approved a coastal development permit for the project (CP 1-06), but the curfew would be implemented through adoption of an ordinance amending a section of the City's Municipal Code that is not part of the certified LCP. The change to the Municipal Code would be to Title 40 PUBLIC PEACE, MORALS, AND WELFARE, Chapter 40.48 USE OF PUBLIC PROPERTY, Section 40.48.055 Curfews, and would add paragraph 6 to subsection B to read as follows:

6. Bay View I Avenue Park is closed from 9:00 p.m. to 6:00 a.m. from the San Diego Bay water line to the First Street northeast curb line.

Bay View Park is a small shoreline public park, approximately 8,000 sq.ft. in size, located on the bay side of the intersection of I Avenue and First Street, on the northern side of Coronado. The park is situated between single-family residences to the north and south. Public improvements consist of several benches, walkways and landscaping. There is no significant beach area at the shoreline next to the park, except for a small strip of sand/cobble at low tide.

The park is not connected to any other public access or recreational destination by paths other than the public sidewalk along First Street. However, the park has spectacular views of downtown San Diego and is occasionally used as a backdrop for wedding photos.

Because of the excellent views across San Diego Bay from the park, it is used for viewing fireworks celebrations that occur periodically throughout the year. The City has indicated that fireworks usually start around 9:20 p.m. and last 20 to 30 minutes, with most people leaving the park by 10:00 p.m.

The curfew is proposed to address concerns regarding crime in the park. There are currently no restrictions on hours of use at the park.

2. Public Access/Recreation. Sections 30210 and 30211 of the Coastal Act are applicable and state:

Section 30210

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30214

(a) The public access policies of this article shall be implemented in a manner that takes into account the need to regulate the time, place, and manner of public access depending on the facts and circumstances in each case including, but not limited to, the following:

(1) Topographic and geologic site characteristics.

(2) The capacity of the site to sustain use and at what level of intensity.

(3) The appropriateness of limiting public access to the right to pass and repass depending on such factors as the fragility of the natural resources in the area and the proximity of the access area to adjacent residential uses.

(4) The need to provide for the management of access areas so as to protect the privacy of adjacent property owners and to protect the aesthetic values of the area by providing for the collection of litter.

(b) It is the intent of the Legislature that the public access policies of this article be carried out in a reasonable manner that considers the equities and that balances the rights of the individual property owner with the public's constitutional right of access pursuant to Section 4 of Article X of the California Constitution. Nothing in this section or any amendment thereto shall be construed as a limitation on the rights guaranteed to the public under Section 4 of Article X of the California Constitution.

(c) In carrying out the public access policies of this article, the commission and any other responsible public agency shall consider and encourage the utilization of innovative access management techniques, including, but not limited to, agreements with private organizations which would minimize management costs and encourage the use of volunteer programs.

Policies in the adopted LUP include the following:

Section III. ADOPTED POLICY

It is the policy of the City of Coronado to:

A. SHORELINE ACCESS

1. Preserve existing shoreline access over public lands
2. Where appropriate, provide and encourage additional shoreline access over public lands.

B. RECREATION AND VISITOR SERVING FACILITIES

1. Preserve existing public recreational facilities for public use.
2. Maintain the quality and number of existing visitor accommodations at or above their present levels, and encourage the provision of new low-cost visitor accommodations and the expansion of existing low-cost visitor accommodations.
5. Encourage the protection of any available public waterfront land suitable for future recreational development.

Over the years, the Commission has granted a number of requests to restrict the use of shoreline recreational areas in hopes of reducing crime. However, the great majority of these requests in San Diego county have been in the form of limits on vehicles entering beach parking lots, not actual restrictions on use of a public beach or park. At that, most of the parking lot restrictions approved have been less restrictive than the City's proposed 9 p.m. to 6 a.m. curfew.

For example, restricted hours at three of the City of San Diego's parking lots at Crown Point Shores in Mission Bay Park are 10:00 p.m. to 4:00 a.m. (#6-02-90-A1). However, this restriction only applies to vehicular entry to the parking lot; visitors already at the lot are allowed to remain, and can exit the lot through an exit-only gate.

Parking at four Ventura Cove and Bahia Point parking lots in Mission Bay Park is also restricted from 10:00 p.m. to 4:00 a.m. (#6-91-146-A2). Two of these lots allow after-hours vehicular exit; two are locked until morning.

The public parking lot at Kellogg Park at La Jolla Shores in San Diego is closed between 10:00 p.m. and 4:00 a.m. from November 1 until April 30, and between 12:00 a.m. and 4:00 a.m. from May 1 until October 31 of each year (#A-6-LJS-90-161).

San Diego's South Mission Beach Park and Mission Point Park parking lots also have restricted operating hours from 10 p.m. to 4 a.m. (#6-88-545), as does the Mariner's Point parking lot (#6-88-366).

More direct restrictions on public access and recreation have been approved in several instances. The Commission approved restricting access to San Diego's Fiesta Island from 10:00 p.m. to 4:00 a.m. on Friday and Saturday nights from October 1 through May 31st and nightly from June 1st to September 30 of each year (#6-89-359).

Similarly, in the City of Encinitas, use of the fire rings at Moonlight Beach is prohibited between 10:00 p.m. and 5:00 a.m.

As for the City of Coronado, the Commission approved a curfew on the City's North Beach from 11:00 p.m. to 5:00 a.m. (CDP #6-96-022). Other parks in the City of Coronado that currently have curfews are Tidelands Park (11:00 p.m. to 5 a.m.); Sunset Park (11 p.m. to 4 a.m.); Glorietta Bay Park (11 p.m. to 5 a.m.) and a beach area on the Silver Strand near the U.S Naval Radio Station (9 p.m. to 5 a.m.).

In reviewing curfew requests, the Commission has attempted to balance the rights of the public to access and use public beaches and parks with nighttime safety concerns for both visitors and residents. Closures approved by the Commission have been supported by documentation of a significant crime problem, and have been limited in scope and extent to only what is needed to address the public safety issue. Restricting vehicle entry to the area has often been considered sufficient.

The City has already limited the amount of vehicular access to this particular park. In November 2005, the Coastal Commission approved an LCP amendment expanding the City's residential decal parking program near Bay View Park. As a result of that amendment, there are currently approximately 21 parking spaces on First Street abutting Bay View Park that are restricted to a 4-hour time limit. All of the remaining street parking in the vicinity is restricted to residential decal parking. The City's reason for increasing the amount of residential parking was that the demand for residential parking was higher than the demand for public parking at Bay View Park, and submitted survey data as evidence that public use of the park was generally fairly low. While the surveys occurred at 1:00 or 2:00 in the afternoon, not at night, the data suggests that public use of the site is not intensive enough to warrant such a severe restriction on the hours of public availability. In any case, no more than 21 cars could ever be parked around this park, and those for no more than four hours at a time.

The City did submit crime data for Bay View Park over the last year (see Exhibit #3). Most of the 56 incidents logged did not involve citations or arrests, but were Field Interviews (officer contact with a citizen involving written information collected by the officer) and most of those that did result in citations involved minors in possession of alcohol. There were three arrests for vandalism in the last year. Only 5 incidents (1 consumption of alcohol and 4 Field Interviews) occurred last year between the hours of 9:00 p.m. and 11:00 p.m., and no incidents were logged between 5:00 a.m. and 9:00 p.m.

Bay View Park is a very small park with no recreational amenities other than several benches. It is the only shoreline access point for 4-5 blocks in any direction, and is surrounded by residential uses. As such, it is unlikely to draw large groups of visitors or become a hangout for gangs, as has happened in some San Diego area beach parking lots. The current restrictions on parking already limit the availability of the park.

The proposed 9 p.m. to 6 a.m. curfew at Bay View Park would be the most restrictive curfew ever approved by the Commission in San Diego County. Although there is evidence that crime occurs at Bay View Park, crime at the park does not appear to be of a level or severity that would justify the unusually strict limits being proposed for the site. It seems particularly inappropriate given that less than one year ago, the City reduced public parking next to the park on the grounds that the park received so little public use.

The park's outstanding asset is its view across San Diego Bay of downtown San Diego, and that is what the park is used most for in the evening hours. As such, prohibiting access from 9 p.m. to 10 p.m., typical firework viewing hours, would severely diminish the quality and functionality of the facility, would adversely impact public recreational use of the site, and would interfere with the public's right of access to the shoreline, and would not preserve existing shoreline access over public lands, inconsistent with the certified LCP and the public access policies of the Coastal Act.

The park is sited in a residential neighborhood immediately adjacent to single-family homes, so concerns about public safety are to be expected. However, based on the evidence submitted by the City on use patterns and public safety concerns at the site, the proposed curfew would be unduly restrictive, and would result in significant adverse impacts to coastal access and recreation. In contrast, limiting the hours of use of the park between 11 p.m. and 5 a.m., a time period when there would be little potential impact to legitimate public access and recreation, would provide for the management of this public access areas so as to protect the privacy of adjacent property owners, and should adequately address public safety concerns.

Therefore, Special Condition #1 requires the City to submit evidence that a revised ordinance has been approved establishing a curfew at Bay View with hours no more expansive than 11:00 pm to 5:00 a.m. As conditioned to reduce the curfew's hours of effectiveness, the project would ensure that recreational opportunities continue to be provided for the public consistent with public safety needs, and would preserve existing public recreational facilities for public use as required by the certified LCP and the public access policies of the Coastal Act.

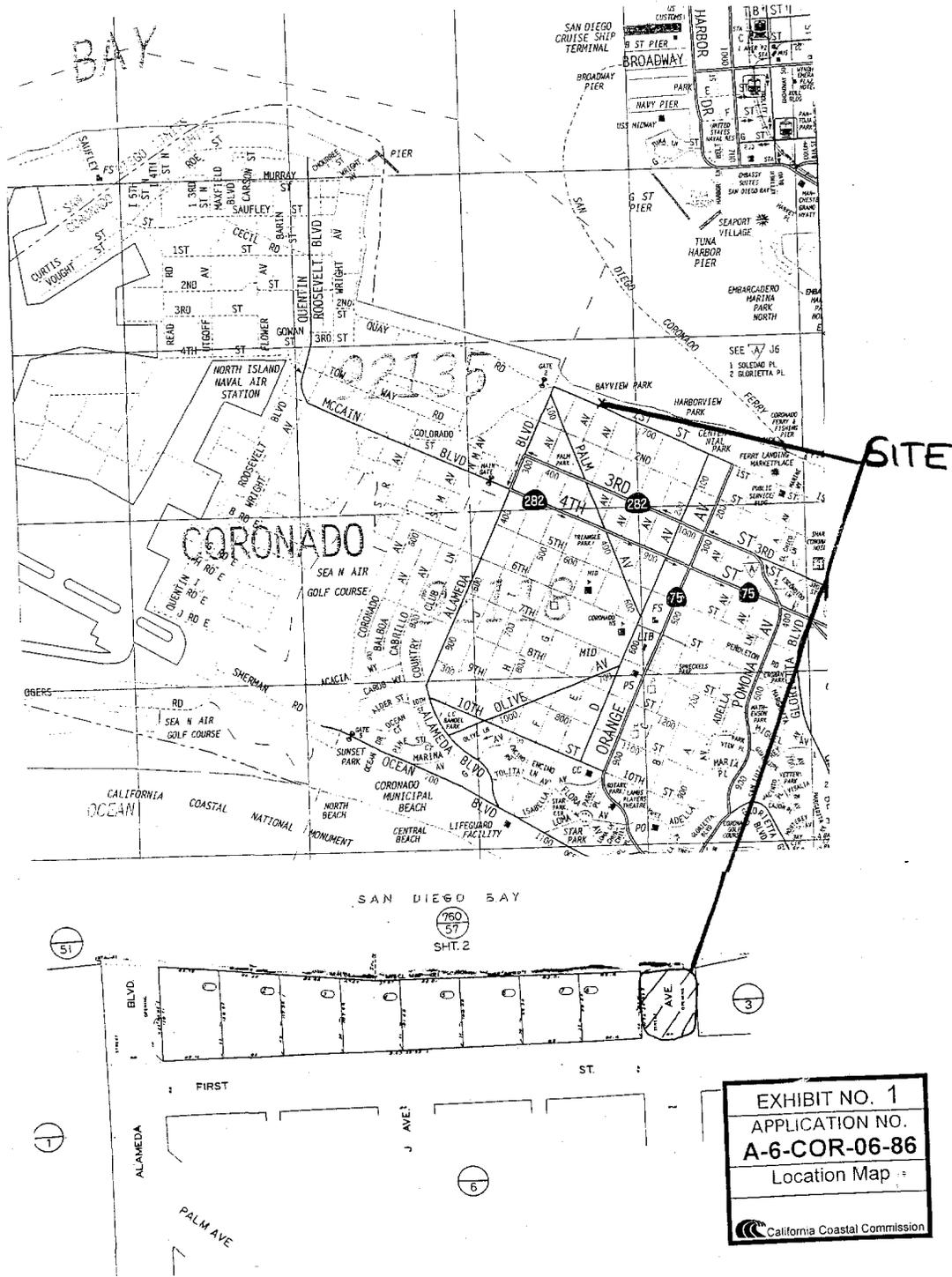
3. Local Coastal Planning. As described above, as conditioned to limit the proposed curfew hours, the proposed project will not have an adverse impact on the visitor-serving and public access requirements of the Coastal Act and will be consistent with the certified LCP. Therefore, the Commission finds that approval of the proposed curfew will not prejudice the ability of the City of Coronado to continue to implement its certified LCP.

4. Consistency with the California Environmental Quality Act (CEQA). Section 13096 of the Commission's administrative regulations requires Commission approval of a coastal development permit or amendment to be supported by a finding showing the permit or permit amendment, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse effect which the activity may have on the environment.

The proposed project has been conditioned to be found consistent with the public access and recreation policies of the Coastal Act and the Coronado LCP. Mitigation measures include limits on the curfew hours. As conditioned, there are no feasible alternatives or feasible mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the Commission finds that the proposed project, as conditioned to mitigate the identified impacts, is the least environmentally damaging feasible alternative and is found consistent with the requirements of the Coastal Act to conform to CEQA.

STANDARD CONDITIONS:

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date on which the Commission voted on the application. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
4. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
5. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.



RESOLUTION NO.

RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF CORONADO
APPROVING A COASTAL PERMIT IN CONJUNCTION WITH THE
ESTABLISHMENT
OF A 10:00 P.M. TO 5:00 A.M. CURFEW AT BAY VIEW PARK LOCATED AT THE
INTERSECTION OF "I" AVENUE AND FIRST STREET.

WHEREAS, in accordance with Chapter 86.70 of the City of Coronado Municipal Code, the City of Coronado Planning Commission has been requested to approve a Coastal Permit (CP 1-06) in conjunction with the establishment of a 10:00 p.m. to 5:00 a.m. curfew at Bay View Park located at the intersection of "I" Avenue and First Street;

WHEREAS, the City has determined that inappropriate behavior in the park that increases in frequency during the night has become a public nuisance and a public safety risk, and that such misuse of the park is opposed by residents of the neighborhood and considered a public hazard by the Police Chief;

WHEREAS, imposition of a 10:00 p.m. to 5:00 a.m. curfew at the park is expected to significantly reduce the aforementioned inappropriate behavior at the park;

WHEREAS, because of the parks remote location, small size, and the proposed time period for the curfew, shoreline access will not be significantly diminished by the curfew's imposition;

WHEREAS, the proposed curfew complies with all policies, goals and standards of the City of Coronado's adopted Local Coastal Program, and the Coronado General Plan;

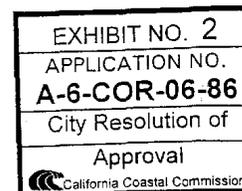
WHEREAS, since the proposed curfew will not cause a direct or indirect physical change in the environment, it is not defined as a "project" under the California Environmental Quality Act and is therefore exempt from the requirements of this Act;

WHEREAS, the ongoing nature of the curfew requires the issuance of a Coastal Permit for an extended duration;

WHEREAS, the Planning Commission of the City of Coronado did pursuant to Section 66854 of the Government Code, hold a Public Hearing on this requested Coastal Permit on July 11, 2006;

WHEREAS, said Public Hearing was duly noticed as required by law and all persons desiring to be heard were heard at said hearing; and

WHEREAS, evidence was submitted and considered to include without limitation all documentation associated with the PC 8-06 (CP 1-06), its related staff report, and all material submitted either in writing or verbally for the Planning Commission Public Hearing for said application.



Planning Commission Resolution
Page Number 2

NOW, THEREFORE, BE IT RESOLVED that the Planning Commission, after due consideration and in a Public Hearing hereby approves a City of Coronado Coastal Permit for the establishment of a 10:00 p.m. to 5:00 a.m. curfew at Bay View Park, and that said Coastal Permit shall remain in effect the duration of time that the proposed curfew remains in effect.

PASSED AND ADOPTED by the Planning Commission of the City Coronado, California, this 11th day of July, 2006, by the following vote, to wit:

AYES:
NAYS:
ABSENT:
ABSTAIN:

JON RYAN, CHAIR
CORONADO PLANNING COMMISSION

Attest:

TONY A. PENA
DIRECTOR OF COMMUNITY DEVELOPMENT

i/cd/ed/curfew bay park

BAY VIEW PARK - CRIME AND ARREST REPORTS

05/01/2005 - 05/01/2006
9 P.M. TO 6 A.M.

<u>DATE</u>	<u>DAY</u>	<u>TIME*</u>	<u>REPORT</u>
5/13/2005	Friday	0:00	Vandalism
6/12/2005	Sunday	0:00	Drunk in Public
6/12/2005	Sunday	0:30	Drunk in Public
6/25/2005	Saturday	0:00	Possession of less than 1 ounce of Marijuana
7/3/2005	Sunday	3:00	Minor in Possession of Alcohol
7/7/2005	Thursday	1:30	Vandalism
7/29/2005	Friday	-23:00	Minor in Possession of Alcohol
8/7/2005	Sunday	0:30	Minor in Possession of Alcohol
9/28/2005	Wednesday	1:00	Vandalism
2/4/2006	Saturday	1:00	Unrelated Misdemeanor Warrant
2/12/2006	Sunday	23:30	Curfew & Minor in Possession Alcohol

*Incident times have been rounded to the 1/2 hour

Bay View Park - 413 First Street, City of Coronado

EXHIBIT NO. 3
APPLICATION NO.
A-6-COR-06-86
Coronado Police Data
pg. 1 of 3
 California Coastal Commission

BAY VIEW PARK - CITATIONS ISSUED

05/01/2005 - 05/01/2006
9 P.M. TO 6 A.M.

<u>DATE</u>	<u>DAY</u>	<u>TIME*</u>	<u>VIOLATION</u>
8/7/2005	Sunday	0:30	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/4/2005	Monday	0:30	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/28/2005	Thursday	1:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
6/25/2005	Saturday	0:30	11357(B) HS: POSSESS MARIJUANA 28.5 GRAMS OR LESS
5/3/2005	Tuesday	0:00	11357(B) HS: POSSESS MARIJUANA 28.5 GRAMS OR LESS
9/10/2005	Saturday	21:00	40.28 010 MC: CONSUMPTION OF ALCOHOL IN PUBLIC PLACE
7/15/2005	Friday	23:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/15/2005	Friday	23:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/25/2005	Monday	0:00	308(B) PC: PURCHASE OR RECEIPT BY MINOR OF TOBACCO OR SMOKING PARAPHERNALIA
7/29/2005	Friday	23:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/29/2005	Friday	23:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
7/29/2005	Friday	23:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
8/7/2005	Sunday	0:00	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
4/8/2006	Saturday	3:30	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
4/8/2006	Saturday	3:30	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)
2/4/2006	Saturday	1:00	40.28 010 MC: CONSUMPTION OF ALCOHOL IN PUBLIC PLACE
2/12/2006	Sunday	23:30	25662(A) BP: MINOR POSSESS ALCOHOL (PUBLIC)

Citation - Notice to appear in court

*Incident times have been rounded to the 1/2 hour

Bay View Park - 413 First Street, City of Coronado

BAY VIEW PARK - FIELD INTERVIEWS

**05/01/2005 - 05/01/2006
9 P.M. TO 6 A.M.**

<u>DATE</u>	<u>DAY</u>	<u>TIME*</u>
6/16/2005	Thursday	2:00
9/2/2005	Friday	0:30
6/2/2005	Thursday	23:30
7/3/2005	Sunday	3:00
7/3/2005	Sunday	3:00
9/5/2005	Monday	21:30
9/5/2005	Monday	21:30
9/5/2005	Monday	21:30
7/19/2005	Tuesday	1:30
7/19/2005	Tuesday	1:30
8/11/2005	Thursday	23:00
8/11/2005	Thursday	0:00
6/2/2005	Thursday	23:30
5/26/2005	Thursday	2:00
8/1/2005	Monday	0:30
8/1/2005	Monday	0:30
8/11/2005	Thursday	0:00
8/11/2005	Thursday	23:30
2/12/2006	Sunday	23:31
2/12/2006	Sunday	23:30
2/12/2006	Sunday	23:32
1/7/2006	Saturday	0:00
3/17/2006	Friday	1:30
3/17/2006	Friday	1:30

Field Interviews (F.I.'s) are important contacts with citizens that aid in preventing and investigating crimes. A field interview is a field contact by a police officer with a citizen for investigative purposes. A field contact card is completed using the citizens personal information and reason for being located in that specific location. Vehicles, scars, tattoos, and companions are also listed on the card.

*Incident times have been rounded to the 1/2 hour

Bay View Park - 413 First Street, City of Coronado

Down

Sept. 4, 2006

Permit #: A-6-COR-086
Ann L. Goodfellow
Curfew—Yes
Hours—No

CALIFORNIA COASTAL COMMISSION
7575 Metropolitan Dr. #103
San Diego, CA 92108-4421

Dear Commissioners:

CURFEW

My home is located two doors down from the park. The City of Coronado has done a beautiful job refurbishing this small park and it is a beautiful spot for residents and visitors to go and view our bay and its surroundings. Due to the small size of the park and its very close proximity to homes on either side and across the street, a curfew is vital for the safety and well being of all our citizens. In addition to location, unfortunately there are those that totally abuse the opportunity and make it very difficult for those of us that live near the park.

- *The park gives open access to the property in front of our homes and we are awoken at all hours of the night with people drinking, partying, fighting, and carrying on. We have had to go and retrieve our patio furniture in the morning that has been taken over our fence for their comfort and enjoyment. (This has happened to several neighbors.)*
- *Cars go screeching in and out, horns honking, car doors slamming, at all hours, awakening everyone around.*
- *They leave trash and even human waste which makes it very difficult. We constantly have to clean up styrofoam food carriers, bags, cups, etc. At the moment we are dealing with a rat infestation and none of this helps. They also leave their beer cans, bottles, coffee cups, and miscellaneous trash on the curbs and in the street next to their cars.*
- *The area off to the left of the park is rugged and dangerous and in the dark, even more so. Someone could easily fall and get hurt.*
- *We have had two fires in our yard caused by items thrown over the fence. We also have had several individuals come over the fence and hide from the police.*

HOURS FOR THE CURFEW

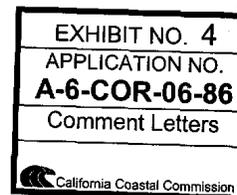
Though I am in favor of the curfew, I feel the hours are unfair. Many of the wonderful activities that take place along the bay happen after 9:00 p.m. For instance all the great fireworks don't begin until 9:15 or later. The "Parade of Boats" at Christmas time does not finish before 9:00 p.m. I feel the hours should be 10:00 p.m. to 6:00 a.m. This allows everyone time to take full advantage of events on the bay; the beauty of the city at night and it would also protect all citizens.

I look forward to receiving the results of this hearing and hope that you will carefully take into consideration the issues concerning those of us living near the park. Please keep the curfew but make the hours more reasonable.

Sincerely,



Ann L. Goodfellow
409 First St.
Coronado, CA.



DL

RECEIVED

OCT 02 2006

CALIFORNIA
COASTAL COMMISSION
SAN DIEGO COAST DISTRICT

California Coastal Commission
7575 Metropolitan Drive #103
San Diego, California 92108
September 27, 2006

Re: Curfew at Bay View Park, at the intersection of First Street and
I Avenue, Coronado, California (San Diego County)
A-6-COR-06-086

Dear Commissioners:

I live at 411 First Street immediately adjacent to Bay View Park. I support the
imposition of a curfew from 10:00 PM to 4:00 AM.

Most people are respectful and orderly in their enjoyment of the park.
Only a few have conducted themselves in ways that negatively impact their own safety
and the health and safety of others.

Negative behavior and incidents include:

Drunk individuals climbing property line fence falling into swimming pool .

Throwing incendiary device from public right of way onto private property
requiring several fire trucks to contain the blaze.

Throwing yard furniture from private property into public area.

Painting graffiti on wall separating public area from private property.

Groups partying primarily on Friday and Saturday nights between 11:00 PM
and 4:00 AM. Parties start with laughter and singing and end with argument,
breaking bottles and fights.

I believe a curfew would aid law enforcement in preventing unsafe and disrespectful
behavior during the night hours without unduly limiting the general public's access and
enjoyment of the park. Thank you for your consideration of this matter.

Respectfully submitted,

Elizabeth S. Gill

Elizabeth S. Gill
411 First Street
Coronado, California 92118

Diana Lilly

To: Heidi Dickerson
Subject: RE: Diana regarding curfew

To whom it may concern...as new property owners on 501 First...we have some real concerns we would

like to share with you regarding the park that is directly next to our lot.

For starters, there have been several times that people have been gathered there during the day and after hours drinking

alcoholic beverages. They tend to sit at the "sides" of the park where you can not see them from the street. Recently they have been sitting on the beach directly in front of our house drinking. Not only are they loud, but they are there late at night and they leave garbage and broken glass in the park and these mentioned areas. We have found ourselves cleaning up after them numerous times. We realize these are public areas, yet something has to be done about this problem.

I have also called the police on one occasion a few weeks ago, when group of people were drinking in the park, jumped onto our property, and proceeded to use our porta-potty! We advised them that they were on private property; however, they did not seem to care. A call to the Coronado police was made to check the situation.

Because the park has been extended outward towards the bay...this has also caused a problem for us. The park used to end in line with our property line as well. This was good for privacy purposes. Now that the park is extended so far out, everyone going out to view the bay on this new extension looks back onto our property and there is a severe loss of privacy.

One day 2 people came from the park, jumped onto our seawall, grabbed two beach chairs of ours, put them on the beach and sat there! We had to ask them for our chairs back and inform them that they had taken private property of ours. Because the access of the rocks from the park is so easy to climb on, it is enabling passerbys in the park to jump onto our seawall and property.

Last week there was a pair of female panties on our lot...I don't even want to know what happened there!!!

Lastly on the 4th of July we had a very expensive flood light stolen from our lot. The crowd was large at the park for the fireworks and the rocks below the park were full of onlookers. It was easy for someone to jump from the rocks onto our property and steal the light. We only hope this is not a trend for the future as we build our home here.

10/25/2006

As you can see we have many concerns regarding the park, its hours of operation, and the monitoring of it. We would love to have the curfew earlier than the recommended 10 pm, as we see that as soon as the sun goes down, that is when drinking and loud behavior begins. It is also a concern to us that the park has been extended so far out. It not only invades our privacy, but the landscaping and rocks have made it easy for people to hop onto our property. Not only is this physically dangerous, but as you have read above they are then trespassing on our lot and we have had things stolen etc.

We would ask that you would consider a curfew on the park...as early as necessary to stop some of this behavior. It would also be nice if there were routine nightly police visits to ward off behaviors unbecoming to our fine community. Furthermore, it would be good if the landscaping were rendered so that not only our privacy but the ease in which access is given to our property is denied. Originally, there were to be some type of bushes separating the park from our lot...that has not happened. If you visit the park you will see that the landscaping has all been trampled down across the flower beds.

Our main concern is safety for all those involved. We certainly do not want anyone falling from our wall, and or falling into our pool, when it is built. Of course there is the "privacy" matter as well. We love the park and the fact that people enjoy it...however, we do expect that at a reasonable hour we can enjoy our privacy, some piece and quiet, and not be worried that partying and other behaviors are going on next to us. If this is monitored and nipped in the bud, then the constant patrolling and correcting of these issues by the police would hopefully slow down as well.

Thank you for listening, we hope we can work together to solve these issues.

Dr. William Dickerson and Dr. Heidi Dickerson

Diana Lilly

To: wynnmiller@aol.com

Subject: RE:

Diana,

Just received word this morning (Friday) from Ed Kleeman that the decision to review the curfew would be made yesterday. Just yesterday I learned that the decision was to be made soon but no date given.

Obviously, I am upset over this as I have letters from three additional affected residents and us concerning the issue. We have been waiting for the additional police report which more accurately shows the problems.

I have been unable to get online easily since our house was broken into in August and our computers stolen. This happened between 8:00 and 11:00 one Saturday night. It was the second break-in we have suffered this summer.

We live across from the park and the cars coming and going all hours of the night...the trash...the beeping of the alarms...the party atmosphere at all hours has caused us to build a high wall for security; however, the noise remains. We have records of many of these incidents and have called the police but really the police are helpless as they didn't actually "see" the incident. It is this noise as well as the drugs/alcohol/music that is frustrating to most of the residents. This activity starts early and goes on throughout the night. We have had things stolen out of our yard and our car has been broken into twice.

This is a quiet area and should not have to suffer from those wishing to party and ultimately commit crimes. Those who come to this park after dark come for a different reason and not to look at the view. Last year at 7:30 (it was dark then) my 14 yr old son and I saw a girl "servicing" several guys on one of the benches. I have seen multiple couples and individuals engaged in sex, drinking, smoking pot. Do we call the police each time? No. We return home and hide behind our wall.

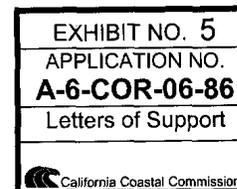
This is no way to live and we should have equal rights to enjoy the park. There are two additional parks within a few blocks if the view is the desire--parks that are not as sequestered and more visible to enforcement.

I would appreciate your giving us an opportunity to meet with you to discuss this issue and apologize for not sending this earlier. I was attempting to put together a complete package for you.

Please call me at 619-867-5157 if you are available to meet with us next week. As I stated, I do not have access to the Internet except early each morning so will not be able to respond via e-mail.

Please consider this early curfew and possibly limiting the parking over night to coincide with the curfew. This will allow the police a better insight for monitoring the park during closed hours.

Thanks.
Wendy Miller
101 I Avenue



10/25/2006